

***A MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD  
DECEMBER 10, 2009 AT 9:30 A.M. IN WARRENTON, VIRGINIA***

P R E S E N T      Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz;  
Mr. Chester W. Stribling; Mr. R. Holder Trumbo; Mr. Paul S. McCulla,  
County Administrator; Mr. Kevin J. Burke, County Attorney

A B S E N T          None

**FAUQUIER COUNTY EMPLOYEE SERVICE AWARDS PROGRAM**

The Board of Supervisors attended the Fauquier County Employee Service Awards Program.

**AGENDA REVIEW**

The Board of Supervisors reviewed the agenda.

**A PRESENTATION BY SUPERVISOR JIM BURTON REGARDING THE COSTS OF GROWTH**

Supervisor Jim Burton of the Loudoun County Board of Supervisors discussed with the Fauquier County Board of Supervisors his findings on the impact of residential growth on municipal finances and the community at large.

**A WORK SESSION TO DETERMINE WHETHER THE FEBRUARY 11 BOARD OF SUPERVISORS MEETING SHOULD BE RESCHEDULED TO FEBRUARY 18 IN ORDER TO ACCOMMODATE SUPERVISORS AND STAFF ATTENDING VML/VACO LEGISLATIVE DAY IN RICHMOND**

The Board of Supervisors discussed whether or not reschedule its regular February meeting to February 18, 2009, due to the 2010 VML/VACo Legislative Day which conflicts with the Board of Supervisors' regularly scheduled meeting in February. Mr. McCulla noted that generally Board members and staff attend Legislative Day to further the County's legislative agenda.

**A WORK SESSION TO REVIEW PROPOSED FINANCE COMMITTEE POLICIES**

Ari J. Sky, Director of the Office of Management and Budget, revised proposed changes to the Finance Committee policies, which include:

- The establishment of a separate debt service fund to provide for debt service payments on educational and non-educational facilities;

- The establishment of two asset replacement funds to provide for cash and grant funding of major maintenance, systems replacement, vehicle acquisition and renovation projects for the general government and the school division; and
- New requirements limiting the Capital Improvement Fund to major facility acquisitions or total replacement of existing facilities using a combination of cash funding and debt financing.

### **A WORK SESSION TO CONSIDER THE FY 2009 COMPREHENSIVE ANNUAL FINANCIAL REPORT AND AUDITOR COMMENTS**

Janet Romanchyk, Finance Director, provided an overview of the FY 2009 Comprehensive Annual Financial Report and annual audit. Mr. David Hughes, representing the independent certified public accounting firm of Robinson, Farmer, Cox Associates, provided a summary of their work and offered to respond to any questions of the Board of Supervisors.

### **A CLOSED SESSION PURSUANT TO CODE OF VIRGINIA SECTION 2.2-3711(A)(7) TO CONSULT WITH LEGAL COUNSEL REGARDING SPECIFIC LEGAL MATTERS INVOLVING THE ZAMBRANA NON-COMMON OPEN SPACE EASEMENT AND SITE PLAN**

Mr. Trumbo moved to go into a closed meeting, pursuant to Virginia Code Section 2.2-3711(A)(7) of the Code of Virginia, to consult with legal counsel regarding specific legal matters involving the Zambrana non-common open space easement and site plan. Following discussion and upon the motion being seconded, the vote was unanimous as follows:

|                                   |  |
|-----------------------------------|--|
| <b><i>Ayes:</i></b>               | <b><i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. R. Holder Trumbo; Mr. Chester W. Stribling</i></b> |
| <b><i>Nays:</i></b>               | <b><i>None</i></b>   |
| <b><i>Absent During Vote:</i></b> | <b><i>None</i></b>   |
| <b><i>Abstention:</i></b>         | <b><i>None</i></b>   |

Upon reconvening from the closed meeting, Mr. Trumbo moved, without objection, to adopt the following certification:

#### **CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 10<sup>th</sup> day of December 2009, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in

the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

**A WORK SESSION TO REVIEW AND DISCUSS RECENT GENERAL ASSEMBLY LEGISLATION TO ALLOW WAIVER OF THE PUBLIC HEARING REQUIREMENT FOR SPECIFIED PROFFER AMENDMENTS**

Kimberley Fogle, Assistant Director for the Department of Community Director, discussed with the Board of Supervisors recent General Assembly legislation to allow waiver of the public hearing requirement for specified proffer amendments. Since the establishment of conditional zoning, amendments to proffers have constituted a change in the zoning and thus followed a rezoning process. In July 2009, the General Assembly adopted an amendment to Section 15.2-2302 of the Code of Virginia to allow a Board of Supervisors to waive the requirement for a public hearing for an amendment to proffered conditions where the amendment does not affect conditions of use or density of a property. This legislation is permissive and it would be the Board's prerogative as to whether to use this provision. The County has recently received its first request under this new legislation and staff does not have a process or approach for the comprehensive evaluation of such requests, nor how to bring them to the Board's attention and consideration. Board members reviewed the legislation, and discussed future processing and evaluation of such requests.

The meeting was reconvened in Regular Session at 6:30 P.M.

**INVOCATION**

Mr. Nyhous offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mr. Nyhous led the pledge of allegiance.

**ADOPTION OF THE AGENDA**

Mr. Nyhous moved to adopt the agenda with the following changes. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

|                                   |  |
|-----------------------------------|--|
| <b><i>Ayes:</i></b>               | <b><i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i></b> |
| <b><i>Nays:</i></b>               | <b><i>None</i></b>   |
| <b><i>Absent During Vote:</i></b> | <b><i>None</i></b>   |
| <b><i>Abstention:</i></b>         | <b><i>None</i></b>   |

- Add new Consent agenda item #6(m), A Resolution Rescheduling the February 11, 2009, Board of Supervisors Meeting to February 18, 2009, in Order to Accommodate Supervisors and Staff Attending VML/VACo Legislative Day in Richmond.

- Add new Consent agenda item #6(n), A Resolution Directing the County Administrator and County Attorney to Enforce the Terms of a Non-Common Open Space Easement Applicable to the Property of Jaime Zambrana and Maria L. Mendez.
- Add new Consent agenda item #(o), A Resolution to Authorize Temporary Advance Funding to Support the Homeless Prevention Rapid Re-Housing Program Administered by Community Touch, Inc.
- Add new Regular agenda item #8, A Resolution Authorizing the County Administrator to Execute an Extension of the Contract for Lease at Warrenton-Fauquier Airport Between Essar Aviation, LLC, and the County of Fauquier.

### **CITIZENS' TIME**

- Jon Whichard, Center District, stated his disappointment regarding the recent events involving certain residents of the County crashing the State Dinner hosted at the White House in Washington, DC, and encouraged the Board members to express displeasure to the President of the United States.

### **PROCLAMATIONS AND RECOGNITIONS**

- Sally Murray, Donna Grove and Duke Bland, of the Fauquier County School Board, presented students who performed a brief musical program for the Board of Supervisors.
- Bill Duggan, Communications Engineer, announced that Fauquier County has been awarded a grant in the amount of \$882,130 for software upgrades to the public safety radio system.

### **CONSENT AGENDA**

Mr. Nyhous moved to adopt the following Consent agenda items. Mr. Schwartz seconded, and the vote for the motion was unanimous as follows:

|                                   |  |
|-----------------------------------|--|
| <b><i>Ayes:</i></b>               | <b><i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i></b> |
| <b><i>Nays:</i></b>               | <b><i>None</i></b>   |
| <b><i>Absent During Vote:</i></b> | <b><i>None</i></b>   |
| <b><i>Abstention:</i></b>         | <b><i>None</i></b>   |

### **Approval of the Minutes of the November 12, 2009 Regular Meetings of the Fauquier County Board of Supervisors**

### **A Resolution to Amend the FY 2010 Adopted Budget by \$1,173,402**

#### **RESOLUTION**

**A RESOLUTION TO AMEND THE FY 2010 ADOPTED BUDGET BY \$1,173,402**

WHEREAS, the Fauquier County Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 31, 2009, the Board of Supervisors adopted the Fauquier County FY 2010 Budget; and

WHEREAS, during the course of the fiscal year certain events occur that necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at its meeting on November 5, 2009, the Finance Committee recommended for FY 2010 budget adjustments of \$673,402; and

WHEREAS, at its meeting on November 12, 2009, the Board of Supervisors deferred consideration of a proposed \$500,000 transfer from the School Division's capital reserve; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of December 2009, That the FY 2010 Budget be, and is hereby, amended in the amount of \$1,173,402 as indicated on the attached summary.

### December 10, 2009 Budget Action Summary

| Requesting Department  | Action        | Amount    | Category                             |   | Explanation   |
|--|---------------|-----------|--------------------------------------|---|---|
|  |               |           | From                                 | To                                      |   |
| <b>FY 2010</b>   |               |           |                                      |   |   |
| Finance  | Appropriation | \$500,000 | Fund Balance                         | Capital Improvement Fund                | Appropriates bond interest revenue for the Fauquier High School Construction/Renovation Project.  |
| School Division  | Transfer      | \$500,000 | School Division Construction Reserve | Fauquier High School Renovation Project | Transfers funding from the School Division's Construction Reserve for architectural design services for the Fauquier High School renovation project.                                      |
| Volunteer Fire & Rescue Association (VFRA) Technical Equipment Committee | Carryover     | \$32,000  | VFRA Fund Balance                    | VFRA                                    | Appropriates carryover funds for repair/maintenance of air-pack shop ventilation system, compressor /pager coding school, temporary salaries and repair supplies for breathing apparatus. |
| VFRA Training Committee  | Carryover     | \$27,000  | VFRA Fund Balance                    | VFRA                                    | Appropriates carryover funds for two computers, training facility cleaning, supplies for fire training trailer and additional training instructors.                                       |
| VFRA EMS Committee   | Carryover     | \$6,000   | VFRA Fund Balance                    | VFRA                                    | Appropriates carryover funds for mass casualty trailer's supplies and EMT class instructors.  |

| Requesting Department               | Action    | Amount   | Category          |      | Explanation  |
|-------------------------------------|-----------|----------|-------------------|------|--|
|                                     |           |          | From              | To   |  |
| VFRA<br>Public Education Committee  | Carryover | \$10,700 | VFRA Fund Balance | VFRA | Appropriates carryover funds for temporary salaries and operation of the public education trailer.   |
| VFRA<br>Technical Support Committee | Carryover | \$2,500  | VFRA Fund Balance | VFRA | Appropriates carryover funds for fire-fighting supplies.   |
| VFRA                                | Carryover | \$95,202 | VFRA Fund Balance | VFRA | Appropriates carryover funds for maintenance/repair of the old Warrenton Rescue Squad building and to maintain reserve funding for small projects. |

**A Resolution to Approve Finance Committee Policies FC-3 (County Funds Structure and Uses) and FC-4 (Debt Issuance and Management)**

RESOLUTION

A RESOLUTION TO APPROVE FINANCE COMMITTEE POLICIES FC-3 (COUNTY FUNDS STRUCTURE AND USES) AND FC-4 (DEBT ISSUANCE AND MANAGEMENT)

WHEREAS, the Fauquier County Board of Supervisors has adopted a series of financial policies to govern the conduct of business decisions in the County government; and

WHEREAS, the Finance Committee has directed staff to develop proposals that would facilitate the accumulation of funding for capital projects; and

WHEREAS, the proposed Finance Committee Policy FC-3 defines the County funds structure and establishes certain additional funds to administer asset replacement and management of debt service payments; and

WHEREAS, the proposed Finance Committee Policy FC-4 defines the County's debt issuance and management policies as previously established by the Board of Supervisors by resolution on November 17, 2003, and subsequently amended on October 13, 2005; and

WHEREAS, the Finance Committee unanimously recommended the proposed policies for the Board of Supervisors' consideration; and

WHEREAS, staff provided an overview of the proposed policies at the Board of Supervisors' December 10, 2009, work session; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of December 2009, That approval be, and is hereby, granted for proposed Finance Committee Policy FC-3 (County Funds Structure and Uses) and FC-4 (Debt Issuance and Management) as presented on the attachments.

**A Resolution to Approve Travel Expenses in Accordance with Travel Policy and Procedures – Office of Management and Budget**

RESOLUTION

A RESOLUTION TO APPROVE TRAVEL EXPENSES IN ACCORDANCE WITH TRAVEL POLICIES AND PROCEDURES – OFFICE OF MANAGEMENT AND BUDGET

WHEREAS, the Fauquier County Board of Supervisors has adopted a travel policy that requires approval of requested travel where expenditures are estimated to exceed \$1,500; and

WHEREAS, Fauquier County recognizes the ongoing value of supporting the professional development of its staff; and

WHEREAS, Fauquier County appropriated funding in its Fiscal Year 2010 budget for staff to participate in training and development; and

WHEREAS, the Government Finance Officers Association (GFOA) is the most advantageous source of professional development for local government financial and budget staff, and the organization's annual conference provides the most comprehensive selection of sessions in the profession; and

WHEREAS, the Director of Management & Budget is a member of GFOA's Committee on Governmental Budgeting and Fiscal Policy, which will be holding its semiannual meeting at the 2010 annual conference; and

WHEREAS, the committee meeting and conference will be held from June 4-9 in Atlanta, Georgia, and the cost is estimated to total \$1,800; and

WHEREAS, the County will be the beneficiary of training and development in public finance and the Budget Director's participation in GFOA committee deliberations; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of December 2009, That approval be, and is hereby, granted for staff designated herein to attend the Government Finance Officers' Association annual conference and concurrent committee activities and to subsequently be reimbursed for travel expenditures associated with this attendance.

**A Resolution to Accept and Appropriate Grant Funds for the P25 Software Upgrades to the Public Safety Radio System**

RESOLUTION

A RESOLUTION TO ACCEPT AND APPROPRIATE GRANT FUNDS FOR THE P25 SOFTWARE UPGRADES TO THE PUBLIC SAFETY RADIO SYSTEM

WHEREAS, the Virginia Department of Emergency Management (VDEM), in response to a preliminary proposal submitted by Fauquier County, allocated \$882,130 from the State Homeland Security Program Grant to Fauquier and Prince William Counties for the P25 software upgrade to their public safety radio systems with award pending submission of a formal application; and

WHEREAS, a formal application for the upgrade of mobile and portable radios has been submitted by Fauquier County to VDEM, with the resulting award of \$882,130 in grant funding; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of December 2009, That the Board of Supervisors does hereby accept this grant award for the upgrade to the public safety radio system; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to sign documents related to the acceptance of the grant funds on behalf of Fauquier County; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to sign any agreements that may be necessary to implement the terms of the grant; and, be it

RESOLVED FINALLY, That the Board of Supervisors hereby appropriates grant funds in the amount of \$882,130 for the P25 upgrade of portable and mobile radios, and authorizes the Office of Management and Budget and the Finance Department to process the budget adjustments required for this appropriation.

**A Resolution to Initiate a Zoning Ordinance Text Amendment to Section 14-203(1) to Reduce the Number of BZA Members to Five and Section 14-205(2) to Reduce the Quorum Requirement to Three Members**

RESOLUTION

A RESOLUTION TO INITIATE A ZONING ORDINANCE TEXT AMENDMENT TO  
SECTION 14-203 TO REDUCE THE NUMBER OF BOARD OF ZONING APPEALS  
MEMBERS FROM SEVEN TO FIVE AND SECTION 14-205 TO REDUCE THE QUORUM  
REQUIREMENT FROM FOUR TO THREE

WHEREAS, the *Code of Virginia* Section 15.2-2308.A. states that every locality that enacts a zoning ordinance shall establish a board of zoning appeals that shall consist of either five or seven members; and

WHEREAS, Fauquier County desires to reduce the number of appointed Board of Zoning Appeals members from seven to five members; and

WHEREAS, the amendments to Sections 14-203 and 14-205 achieve this goal and support good zoning practice, convenience and the general welfare; now, therefore, be it



RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of December 2009, That amendments to Sections 14-203 and 14-205 of the Zoning Ordinance related to the number of appointed Board of Zoning Appeals members be, and are hereby, initiated and referred to the Planning Commission for public hearing and recommendation; and, be it

RESOLVED FURTHER, That the following text represents the proposed changes for consideration:

**14-203          Membership**

1. The BZA shall consist of ~~seven (7)~~ five (5) members appointed by the Circuit Court of Fauquier County, Virginia, and the members may receive compensation as may be authorized by the Board of Supervisors. All members shall be residents of the County.

**14-205          Meetings**

1. The BZA shall hold at least one (1) meeting each month when there is business to conduct at a time and place to be designated by resolution of the BZA. When a meeting date falls on a legal holiday, the meeting shall be held on the day following unless otherwise designated by the BZA.
2. ~~Four (4)~~ Three (3) members of the BZA shall constitute a quorum and ~~four (4)~~ three (3) members are necessary to render a decision on all matters referred to and upon which it is required to pass by this Ordinance, but a less number may meet and adjourn.

**A Resolution Authorizing the County Administrator to Apply for Non-Regulated Special Rates Offered by Northern Virginia Electric Cooperative and for Subsequent Renewals Determined to be in the Best Interest of the County**

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO APPLY FOR NON-REGULATED SPECIAL RATES OFFERED BY NORTHERN VIRGINIA ELECTRIC COOPERATIVE AND FOR SUBSEQUENT RENEWALS DETERMINED TO BE IN THE BEST INTEREST OF THE COUNTY

WHEREAS, in the process of reviewing the County's use of energy, it has been determined that the County could enjoy savings in electric costs if we request participation in a special rate schedule offered by Northern Virginia Electric Cooperative; and

WHEREAS, it is estimated that there would be a minimum savings of approximately \$3,500 annually, which would increase with the addition of the Northern Community Park accounts; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of December 2009, That the County Administrator be, and is hereby, authorized to apply for non-regulated special rates offered by Northern Virginia Electric Cooperative and for subsequent renewals determined to be in the best interest of the County.

**A Resolution to Approve a Waiver for a Private Street to Connect to a Private Street (WAVR10-CR-004) – Cedar Run District**

RESOLUTION

A RESOLUTION TO ALLOW A PRIVATE STREET TO CONNECT TO A PRIVATE STREET

WHEREAS, Masad and Marguerite Zakkak, owners, are seeking a waiver to Zoning Ordinance Section 7-302.1.A.2 to allow for a private street to connect to a private street; and

WHEREAS, the applicants propose to create three family transfer lots and a residual lot from the 65.331-acre parcel identified as PIN 6992-52-3765-000, with access via an ingress egress easement that is fifty (50) foot-wide, which connects to the existing private street; and

WHEREAS, On December 9, 2009, the Fauquier County Planning Commission considered the proposed Zoning Ordinance waiver; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of December 2009, That Zoning Ordinance Section 7-302.1.A.2 is waived to permit Masad and Marguerite Zakkak to create three family transfer lots on the above referenced parcel which will be accessed by an ingress egress easement that is fifty (50) feet in width with the condition that a note be added to the family transfer plat and deed to read: The property may not be further subdivided.

**A Resolution Authorizing the County Administrator to Execute a “Letter Of Moral Obligation” on Behalf of Fauquier County Guaranteeing Funding for the Construction of the New Baltimore Volunteer Fire and Rescue Company by the United States Department of Agriculture (USDA)**

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A  
“LETTER OF MORAL OBLIGATION” ON BEHALF OF FAUQUIER COUNTY  
GUARANTEEING FUNDING FOR THE CONSTRUCTION OF NEW BALTIMORE  
VOLUNTEER FIRE RESCUE COMPANY BY THE UNITED STATES DEPARTMENT OF  
AGRICULTURE (USDA)

WHEREAS, the Fauquier Volunteer Fire Rescue Association has requested a “letter of moral obligation” to guarantee USDA funding for the construction of the New Baltimore Fire Rescue Station; and

WHEREAS, such a letter would be subject to the approval of appropriations by the current and future Boards; and

WHEREAS, in December 2005, the Board of Supervisors has conducted a work session to receive advice on this request from the County Finance Director, Bond Counsel and Financial Advisors; and

WHEREAS, the Board of Supervisors has concluded that execution of such a letter is in the best interests of the County; and

WHEREAS, the Board of Supervisors, as conditions of the execution of such a letter, requires the Volunteer Fire and Rescue Association to enter into a mutually agreeable User Agreement for use of the New Baltimore facility, and will require that the USDA approve such funding; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of December 2009, That the County Administrator be, and is hereby, authorized to execute a “letter of moral obligation” to guarantee the funding for the construction of the New Baltimore Volunteer Fire Rescue Company.

**Initiation of a Zoning Ordinance Text Amendment to Sections 3-317 and 5-1700 to Allow a General Industrial Use to Occur in the RA/Rural Agricultural District on More Than One Acre when Reusing Legally Existing Airport Facilities**

RESOLUTION

Initiation of a Zoning Ordinance Text Amendment to Sections 3-317 and 5-1700 to Allow a General Industrial Use to Occur in the RA/Rural Agricultural District on More Than One Acre when Reusing Legally Existing Airport Facilities

WHEREAS, the Fauquier County Zoning Ordinance establishes regulations related to industrial uses in the Rural districts; and

WHEREAS, Fauquier County seeks to allow increased flexibility for the re-use of an existing airport facility located in the Rural district; and

WHEREAS, the amendments to Sections 3-317 and 5-1700 achieve this goal and support good zoning practice, convenience and the general welfare; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of December 2009, That amendments to Section 3-317 and 5-1700 of the Zoning Ordinance related to industrial uses in the Rural zoning district be, and are hereby, initiated and referred to the Planning Commission for public hearing and recommendation; and, be it

RESOLVED FURTHER, That the following text represents the proposed changes for consideration:

|   | SITE<br>PLAN | RC | RA | RR-<br>2 | V | R-<br>1 | R-<br>2 | R-<br>3 | R-<br>4 | TH | GA | MDP | C-<br>1 | C-<br>2 | C-<br>3 | CV | I-1 | I-2 |
|---|--------------|----|----|----------|---|---------|---------|---------|---------|----|----|-----|---------|---------|---------|----|-----|-----|
| <b>3-317 GENERAL INDUSTRIAL<br/>(CATEGORY 17)</b>   |              |    |    |          |   |         |         |         |         |    |    |     |         |         |         |    |     |     |
| 1. Any industrial use which is not<br>acre contained entirely within a<br>building or completely screened<br>from view including contractor's<br>offices, shops, and materials<br>storage yards less than one     | X            | SE | SE |          |   |         |         |         |         |    |    |     |         |         |         |    | SP  | SP  |
| 2. Any industrial use which is not<br>contained entirely within a building<br>or completely screened from view,<br>including contractor's offices,<br>shops and material storage yards<br>more than one acre used | X            |    | SE |          |   |         |         |         |         |    |    |     |         |         |         |    |     | SP  |
| 3. Contractors offices, shops and<br>material storage yards with all<br>equipment and materials contained<br>entirely within a building or<br>completely screened from view                                       | X            |    |    |          |   |         |         |         |         |    |    |     | SP      | SP      | SP      |    | P   | P   |

## PART 17

## 5-1700

## CATEGORY 17 GENERAL INDUSTRIAL

In addition to the general standards as set forth in Section 006 above, the following standards shall apply:

### **5-1701.1      Additional Standards for Industrial Use Described in Paragraph 3-317.2 (more than one acre used), in Rural Zoning Districts**

1. This use shall only be authorized in the RA district for redevelopment of properties previously approved by the County through special exception for airport use. Two such properties exist in the County: Hartwood Airport and the Warrenton-Fauquier Airport (which is primarily zoned Industrial).
2. The Board may only approve such use upon a finding that the activity associated with the proposed industrial use is no more impactive to the surrounding area than was the prior airport use.
3. All activities shall be entirely screened from view from streets and adjoining properties.
4. Contractors Storage Yards shall not be allowed.

### **A Resolution to Authorize the Acceptance of a Conservation Easement Over the Property of Paul and Sue Allison Massimiano**

## RESOLUTION

### A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION EASEMENT OVER THE PROPERTY OF PAUL AND SUE ALLISON MASSIMIANO

WHEREAS, Paul and Sue Allison Massimiano have proposed to donate a conservation easement over their property described as PIN #6974-42-3647 consisting of approximately 19.7629 acres, hereinafter “the Property;” and

WHEREAS, the Board of Supervisors has determined that the proposed easement is appropriate, in the public interest, and furthers the goals and objectives of its Comprehensive Plan; and

WHEREAS, the Board of Supervisors has determined that the proposed easement will preserve important agricultural and forestal lands and scenic and natural resources in a manner consistent with the Comprehensive Plan; and

WHEREAS, the Board of Supervisors hereby designates the Property as open-space under the authority granted by Chapter 17 of Title 10.1 of the Code of Virginia, 1950, as amended, the “Open-Space Land Act;” now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of December 2009, That the Board finds as follows:

1. The proposed easement preserves open-space lands in the county pursuant to the goals and objectives stated in the county’s Comprehensive Plan and thereby advances a public purpose of the county; and

2. The restrictions contained in the proposed easement will preserve and protect in perpetuity the open-space values of the Property and will limit the uses of the Property to those uses which are consistent with and which will not adversely affect the open-space values described in the easement; and

3. The proposed easement will provide a significant public benefit to the citizens of Fauquier County and the Commonwealth of Virginia; and, be it

RESOLVED FURTHER, That the County Administrator and the County Attorney be, and are hereby, authorized and directed to accept the donation of a conservation easement under those terms generally set forth in the proposed easement attached to the agenda request for this item, subject to such revisions as may be deemed appropriate to the County Administrator and County Attorney.

**A Resolution to Authorize the Acceptance of a Conservation Easement Over the Property of Cynthia Anne Polk**

RESOLUTION

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION  
EASEMENT OVER THE PROPERTY OF CYNTHIA ANNE POLK

WHEREAS, Cynthia Anne Polk has proposed to donate a conservation easement over her property described as PIN #'s 6083-85-4974 and 6083-86-5375 to create a tract or parcel consisting of approximately 43.1832 acres combined; and

WHEREAS, Cynthia Anne Polk has proposed to donate a conservation easement over her property described as PIN #s 6083-76-7789 and 6083-76-8463 to create a tract or parcel consisting of approximately 12.6139 acres; and

WHEREAS, the Board of Supervisors has determined that the proposed easement is appropriate, in the public interest, and furthers the goals and objectives of its Comprehensive Plan; and

WHEREAS, the Board of Supervisors has determined that the proposed easement will preserve important agricultural and forestal lands and scenic and natural resources in a manner consistent with the Comprehensive Plan; and

WHEREAS, the Board of Supervisors hereby designates the above referenced tracts, hereinafter described as the "Property" as open-space under the authority granted by Chapter 17 of Title 10.1 of the Code of Virginia, 1950, as amended, the "Open-Space Land Act;" now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of December 2009, That the Board finds as follows:

1. The proposed easement preserves open-space lands in the county pursuant to the goals and objectives stated in the county's Comprehensive Plan and thereby advances a public purpose of the county; and
2. The restrictions contained in the proposed easement will preserve and protect in perpetuity the open-space values of the Property and will limit the uses of the Property to those uses which are consistent with and which will not adversely affect the open-space values described in the easement; and
3. The proposed easement will provide a significant public benefit to the citizens of Fauquier County and the Commonwealth of Virginia; and, be it

RESOLVED FURTHER, That the County Administrator and the County Attorney be, and are hereby, authorized and directed to accept the donation of a conservation easement under those terms generally set forth in the proposed easement attached to the agenda request for this item, subject to such revisions as may be deemed appropriate to the County Administrator and County Attorney.

**A Resolution Rescheduling the February 11, 2009, Board of Supervisors Meeting to February 18, 2009, in Order to Accommodate Supervisors and Staff Attending VML/VACo Legislative Day in Richmond**

RESOLUTION

A RESOLUTION RESCHEDULING THE FEBRUARY 11, 2009, BOARD OF SUPERVISORS MEETING TO FEBRUARY 18, 2009, IN ORDER TO ACCOMMODATE SUPERVISORS AND STAFF ATTENDING VML/VACO LEGISLATIVE DAY IN RICHMOND

WHEREAS, VML/VACo Legislative Day falls on the same day that the Board of Supervisors' regular February meeting is scheduled; and

WHEREAS, it is customary for Board members and staff to attend Legislative Day in order to help further the County's legislative priorities; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of December 2009, That the Board of Supervisors' February 11, 2009, meeting be, and is hereby, rescheduled to February 18, 2009.

**A Resolution Directing the County Administrator and County Attorney to Enforce the Terms of a Non-Common Open Space Easement Applicable to the Property of Jaime Zambrana and Maria L. Mendez.**

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR AND COUNTY ATTORNEY TO ENFORCE THE TERMS OF A NON-COMMON OPEN SPACE EASEMENT APPLICABLE TO THE PROPERTY OF JAIME ZAMBRANA AND MARIA L. MENDEZ

WHEREAS, Jaime Zambrana and Maria L. Mendez are the owners of property subject to a County-held non-common open space easement; and

WHEREAS, the non-common open space easement states that "[i]ndustrial or commercial activities except farming, silviculture or horticulture are prohibited except as can be and in fact are conducted from the residence house, shop, toolhouse or other permitted buildings without alteration of the external appearance of same;" and

WHEREAS, Jaime Zambrana and Maria L. Mendez have obtained a Special Permit from the Board of Zoning Appeals seeking authorization to conduct commercial activities on the property and have filed a site plan pursuant to the Special Permit; and

WHEREAS, the site plan as submitted contemplates the outdoor parking of commercial vehicles and outdoor storage of construction equipment; and

WHEREAS, the Board, as grantee of the non-common open space easement, is authorized to interpret and enforce its terms; and

WHEREAS, the Board hereby finds that the terms of the non-common open space easement do not authorize the outdoor parking of commercial vehicles or the outdoor storage of construction equipment; and

WHEREAS, the Board opposes the issuance of a site plan inconsistent with its non-common open space easement and desires to enforce the terms of the easement; and

WHEREAS, in order to enforce the terms of the easement the Board hereby requests that the Zoning Administrator not approve the requested site plan and that the County Administrator

and County Attorney take such steps to enforce the terms of the easement as may be required; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> of December, 2009, That a copy of this resolution be forwarded to the Zoning Administrator; and, be it

RESOLVED FURTHER, That the County Administrator and County Attorney be and are hereby authorized to take such steps as are necessary to enforce the terms of the non-common open space easement as may be necessary, including the prohibition of outside parking of commercial vehicles and the outside storage of construction equipment and materials.

**A Resolution to Authorize Temporary Advance Funding to Support the Homeless Prevention Rapid Re-Housing Program Administered by Community Touch, Inc.**

RESOLUTION

A RESOLUTION TO AUTHORIZE TEMPORARY ADVANCE FUNDING TO SUPPORT THE HOMELESS PREVENTION RAPID RE-HOUSING PROGRAM ADMINISTERED BY COMMUNITY TOUCH, INC.

WHEREAS, the Community Touch program is in need of a temporary advance of cash until State funds are reimbursed in order to provide service to families and individuals facing the possibility of becoming homeless; and

WHEREAS, the County currently provides support to Community Touch, Inc.; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of December 2009, That the County Administrator be, and is hereby, authorized to enter into an agreement, to be reviewed by the County Attorney, to provide a temporary advance of funds to be repaid to the County in order to provide uninterrupted services to those dealing with housing crisis.

**A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN EXTENSION OF THE CONTRACT FOR LEASE AT WARRENTON-FAUQUIER AIRPORT BETWEEN ESSAR AVIATION, LLC, AND THE COUNTY OF FAUQUIER**

Mr. Trumbo moved to adopt the following resolution. Mr. Graham seconded, and following discussion the vote for the motion was unanimous as follows:

|                                   |  |
|-----------------------------------|--|
| <b><i>Ayes:</i></b>               | <b><i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i></b> |
| <b><i>Nays:</i></b>               | <b><i>None</i></b>   |
| <b><i>Absent During Vote:</i></b> | <b><i>None</i></b>   |
| <b><i>Abstention:</i></b>         | <b><i>None</i></b>   |



## RESOLUTION

### A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN EXTENSION OF THE CONTRACT FOR LEASE AT WARRENTON-FAUQUIER AIRPORT BETWEEN ESSAR AVIATION, LLC, AND THE COUNTY OF FAUQUIER

WHEREAS, Fauquier County entered into a Contract for Lease dated April 30, 2007, with Essar Aviation, LLC, for premises at the Warrenton-Fauquier Airport for operation of a flight school; and

WHEREAS, the current Contract for Lease will expire on December 31, 2009; and

WHEREAS, Fauquier County and Essar Aviation, LLC, wish to extend the lease on a month-to-month basis until such time as the County can complete its procurement process in order to procure another tenant to operate the flight school; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of December 2009, That the County Administrator be, and is hereby, authorized to execute an extension on a month-to-month basis of the Contract for Lease at Warrenton-Fauquier Airport dated April 30, 2007, by and between the County of Fauquier and Essar Aviation, LLC, on the same terms and conditions as are contained in said Contract for Lease.

### **APPOINTMENTS**

By unanimous consent, the following appointments were approved:

- Industrial Development Authority, Lee District - Daniel Frazier was reappointed for a four-year term that ends December 10, 2013.
- Industrial Development Authority, Scott District - John Nettles was reappointed for a four-year term that ends December 11, 2013.
- Community Services Board – Elizabeth Darrough was appointed for a three-year term that ends December 31, 2012.

### **SUPERVISORS' TIME**

- Mr. Graham wished everyone a safe and Merry Christmas and urged citizens to help neighbors in need.
- Mr. Stribling extended Christmas wishes to everyone, and then thanked volunteers of various organizations, and encouraged others to donate either money or time to their favorite charity. Mr. Stribling announced that the Bealeton Parade will be held on Saturday, December 12, 2009, at 12:00 noon and he encouraged citizens to attend the local events in their various communities.
- Mr. Schwartz wished everyone a Merry Christmas, and congratulated recipients of the

employee service awards that had been presented earlier in the day.

- Mr. Nyhous announced that First Night Warrenton is scheduled for Thursday, December 31, 2009, adding it is a wonderful family activity and ticket information can be found at [www.bluemont.org](http://www.bluemont.org) or by calling the Warrenton Visitors Center at (540) 341-0988.
- Mr. Trumbo announced that the Marshall Parade has been rescheduled for Saturday, December 12, 2009, and that the New Baltimore Fire Department will host its annual breakfast with Santa, and invited everyone to attend. Mr. Trumbo expressed Christmas wishes, and recognized Mr. Bob Rankin for his audio/visual technical work behind the scenes of each Board of Supervisors meeting.

### **ANNOUNCEMENTS**

- Mr. McCulla announced that the Board of Supervisors will hold its annual Organizational Meeting on January 7, 2010, at 5:00 P.M. in the Warren Green Building meeting room located at 10 Hotel Street, Warrenton, VA.
- Mr. McCulla announced that the next regular meeting of the Board of Supervisors will be on January 14, 2010, at 6:30 P.M. in the Warren Green Building meeting room located at 10 Hotel Street, Warrenton, VA.
- Mr. McCulla announced that members of the Board of Supervisors will attend the annual VACo/VML Legislative Day on February 11, 2010, in Richmond, VA.
- Mr. McCulla announced that the February 11, 2009, regular meeting of the Board of Supervisors has been postponed until February 18, 2010, at 6:30 P.M. in the Warren Green Building meeting room located at 10 Hotel Street, Warrenton, VA.
- Mr. McCulla wished everyone a Merry Christmas and happy holiday season.

### **PROPOSED TEXT AMENDMENTS TO ZONING ORDINANCE SECTIONS 3-318.17-18, 5-1810, 6-102, AND 15-300**

A public hearing was held to consider text amendments to Zoning Ordinance Sections 3-318.17-18, 5-1810, 6-102, and 15-300 related to farm wineries. Kimberley Johnson, Zoning Administrator, summarized the proposed text amendments. Ralph Ruggerio, Scott District, spoke in favor of requiring special event permits on a case by case basis, and opposed amplified music at wineries. Robert Schulz, Scott District, spoke in opposition to activities that disturb peace and tranquility of the neighbors, especially amplified music, and favored imposing regulations again outdoor amplified entertainment. James Moorman, Marshall District, spoke in favor of the proposed text amendments. Wayne Peterson, Scott District, spoke in support of noise restrictions. Adele Harrell, Marshall District, spoke in support of a ban on amplified music. Irene Kerns, Marshall District, spoke in support of a ban on amplified music outdoors. Ellen Ussery, Marshall District, spoke in support of banning outdoor amplified music. Ruth Aumstock, Rappahannock County, spoke in favor of a ban on amplified music. Lesley Arnold, Rappahannock County, spoke in favor of a ban on amplified music. Todd Benson, Piedmont

Environmental Council, spoke in support of a ban on outdoor amplified music. Howard O'Brien, of Chateau O'Brien in Markham, VA, questioned who would be the monitoring force for enforcement and urged the Board of Supervisors to get facts before making a decision. Brian Roeder, Marshall District, agreed with Mr. O'Brien's remarks and encouraged attendance in January to various charitable events hosted at Barrel Oak Winery. Jason Murray, Hume, VA, spoke in support of local wineries and the wine industry. David Willson, Marshall District, spoke in favor of the text amendment and congratulated the County for developing a plausible ordinance. No one else spoke. Mr. Trumbo stated that the public hearing will remain open and action will be postponed until the next regular meeting on January 14, 2010. By acclamation, the action was approved as follows:

**Ayes:** *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

**REZONING #REZN09-SC-004 – BEIGHTS DEVELOPMENT CORPORATION AND PEPSI-COLA BOTTLING COMPANY OF CENTRAL VIRGINIA (OWNERS) / COLLINS ENGINEERING (APPLICANT) – MILL RUN BUSINESS PARK – PEPSI EXPANSION**

A public hearing was held to consider an application to rezone approximately 3.2982 acres from Residential - 1 (R-1) to Industrial Park (I-1) in order to allow the expansion of an existing warehouse and the parking area. The property is located on the south side of Lee Highway (Route 15/29), approximately 1,200 feet north of the intersection of Telephone Road and Lee Highway (Route 15/29), Scott District (PIN #7906-21-3506-000, #7906-21-1470-000, and #7906-11-8194-000). Susan Eddy, Chief of Planning, summarized the application, and stated the applicant has request postponement of action on this matter pending further refinements to the application. Todd Benson, Piedmont Environmental Council, spoke in opposition to a comprehensive plan amendment citing traffic issues. Bonnie Downes, Scott District, spoke in favor of the application. Chuck Medvitz, Scott District, spoke in opposition to the application. David Blake, Scott District, expressed concern about transportation issues and spoke in opposition to the application. No one else spoke. Mr. Trumbo moved to continue the public hearing and postpone action on the matter until the next regular meeting on January 14, 2010. Mr. Nyhous seconded and, following discussion, the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

**SPECIAL EXCEPTIONS #SPEX10-MA-005 – DAVID H. FARRAR (OWNER / APPLICANT) – FARRAR SUBDIVISION**

A public hearing was held to consider an application to obtain a Category 29 Special Exception to waive the public street requirement for one (1) lot. The property is located on the north side of John Marshall Highway (Route 55), Marshall District (PIN #6001-64-5565-000). Bonnie Bogert, Planner for the Department of Community Development, summarized the application. No one else spoke. Mr. Schwartz moved to approve the following resolution. Mr. Nyhous seconded and, following discussion, the vote for the motion was unanimous as follows:

|                            |  |
|----------------------------|--|
| <b>Ayes:</b>               | <b><i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i></b> |
| <b>Nays:</b>               | <b><i>None</i></b>   |
| <b>Absent During Vote:</b> | <b><i>None</i></b>   |
| <b>Abstention:</b>         | <b><i>None</i></b>   |

**RESOLUTION**

**A RESOLUTION TO APPROVE SPEX10-MA-005: A CATEGORY 29 SPECIAL EXCEPTION TO WAIVE THE PUBLIC STREET REQUIREMENT FOR ONE (1) LOT – MARSHALL DISTRICT**

WHEREAS, David H. Farrar, Owner and Applicant, requests Special Exception approval to allow a private street to serve one (1) lot in a proposed subdivision on the property known as PIN 6001-64-5565-000; and

WHEREAS, on October 29, 2009, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception and recommended approval of the Special Exception subject to conditions; and

WHEREAS, on December 10, 2009, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the standards of Zoning Ordinance Articles 5-006 and 5-2900; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of December 2009, that SPEX10-MA-005 be, and is hereby, approved, subject to the following conditions:

1. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat titled “Special Exception Plat Farrar Subdivision, PIN 6001-64-5565-000” dated August 26, 2009, received in Community Development on August 27, 2009, approved with the application, as qualified by these development conditions.
2. The Special Exception is granted for and runs with the land (PIN 6001-64-5565-000) indicated in this application and is not transferable to other land.

3. The subject property shall be allowed to be subdivided into a maximum of 4 lots. No additional subdivision shall be permitted.
4. All houses shall be either two stories (excluding basement) with a minimum roof pitch for the main roof area of 8:12, or one story excluding basement with a minimum roof pitch for the main roof area of 8:12; and in the case of a one-story house, shall include dormers (or a shed or gable dormer) on the front of the house.
5. Dormer roofs shall match the pitch of the principal roof; however, shed roof dormers may use a pitch of one half of the main roof pitch.
6. All houses shall include a covered front porch that is a minimum of six (6) feet in depth and ten (10) feet in width.
7. Front loaded garages, either attached or detached, shall be set back at least fourteen (14) feet from the front plane of the house. Side loaded garages shall be set back at least eight (8) feet from the front plane of the house.
8. Driveways shall have a maximum width of ten (10) feet from the point where they meet the street until the line established by the plane of the front porch of the house.
9. A maintenance agreement shall be recorded with the Final Plat to indicate who shall bear the responsibility for maintaining and repairing the private street.

**SPECIAL EXCEPTIONS #SPEX09-CR-002, SPEX09-CR-003, & CCRV09-CR-002 –  
FAUQUIER COUNTY BOARD OF SUPERVISORS (OWNER / APPLICANT) – PUBLIC  
SAFETY TRAINING FACILITY**

A public hearing was held to consider an application to obtain a Category 5 Special Exception to allow for an outdoor technical school and a Category 11 Special Exception to allow for a public safety facility. Applicant would like to construct a burn building and other facilities for use by fire and rescue organizations for training and certification purposes. In addition, the applicant is seeking a Comprehensive Plan Conformance Determination in accord with Code of Virginia, Section 15.2-2232, as to whether the location of these facilities on this property is substantially in accord with the Comprehensive Plan. The firing range and above-ground water storage facility are no longer part of this request. The property is located on the west side of Green Road (Route 674), Cedar Run District (PIN #6982-98-7086-000; #6982-97-5456-000; and #6983-81-0145-000). Susan Eddy, Chief of Planning, summarized the application. Chief Tom Billington and Chief Kurt Kite presented a PowerPoint slide show about the proposed facility and offered to answer any questions. Willard Green, Cedar Run District, spoke in favor of the application. Mara Seaford, Cedar Run District, spoke in opposition to the application. Joanne Duncan, Cedar Run District, spoke in opposition to the application. Marcia Whitmore, Cedar Run District, spoke in opposition to the application. Ian Brill, Lee District, Remington Volunteer Fire & Rescue, spoke in support of the application. Bill Madigan, Cedar Run District, spoke in opposition to the application. Leslie Jordan, Cedar Run District, spoke in opposition to the application. Carol Childs, Cedar Run District, spoke in opposition to the application. Natalie Ortberg, Cedar Run District, spoke in opposition to the application and read a letter from Ken Anderson, Cedar Run District, also opposing the application. Hearlie Hendricks, Lee District, spoke in favor of the application. Morgan Duncan, Cedar Run District, spoke in opposition to

the application. Tom Marable, Marshall District, spoke on behalf of the Volunteer Fire & Rescue Association in favor of the application. Todd Rosamond, New Baltimore Fire & Rescue Company, spoke in favor of the application. No one else spoke. Mr. Stribling moved to approve the following resolution. Mr. Nyhous seconded and, following discussion, the vote for the motion was four to one as follows:

|                            |   |
|----------------------------|---|
| <b>Ayes:</b>               | <b><i>Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i></b> |
| <b>Nays:</b>               | <b><i>Mr. Raymond E. Graham</i></b>   |
| <b>Absent During Vote:</b> | <b><i>None</i></b>  |
| <b>Abstention:</b>         | <b><i>None</i></b>  |

With no further business, the meeting was adjourned at 8:59 P.M.

*I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on December 10, 2009.*

---

*Paul S. McCulla*  
*Clerk to the Board of Supervisors*